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Daisuke Katsuta

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EXAMINER

NELSON, FREDA ANN

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/733,316

Applicant(s)

KATSUTA ET AL.

Examiner

FREDA A. NELSON

Art Unit

3628

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4 and 7-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4 and 7-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The amendment received on May 8, 2008 is acknowledged and entered. Claims 2 and 8 have been amended. Claims 1, 5-7, and 13-38 have been canceled. No claims have been added. Claims 2-4 and 7-12 are currently pending.

Response to Amendments and Arguments

Applicant's arguments filed May 8, 2008 have been fully considered but they are not persuasive.

In response to Applicant's argument that "image falsification prevention treatment" was originally included in the original claims, the Examiner asserts that the original claims do not include the language in question. In fact, the claims never mention any kind of treatment. Original claim 25 mentions digital image information detects alterations

In response to Applicant's argument that claims 9-12 are believed to be allowable since no art rejections have been raised with respect to claim 8, the Examiner asserts that claims 9-12 are not allowed for the following reasons:

In regards to claim 9, Shinoda et al. does not expressly disclose the method for transmitting image information wherein said object is welded and a welded part of said object has been subjected to a penetrant test processing or a magnetic particle test processing and said welded part is imaged in the step of imaging. However, Hartley discloses that ultrasonic examination may be used to detect subsurface weld anomalies such as subsurface cracks, local thinning, or other anomalies; and dye penetrant

inspections, magnetic particle testing, and eddy current inspection may also be used to detect subsurface weld anomalies (col. 3, lines 11-16). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Shinoda et al. to include the feature of Hartley in order to provide for the imaging of inspected welds.

In regards to claims 10-11, Shinoda et al. discloses transmitting image information wherein said image falsification prevention treatment is embedding an electronic watermark in said digital image([0006]-[0008]). Shinoda et al. does not expressly said embedded electronic watermark includes at least one of the place and time where said object was imaged, the person who performed the imaging, and information relating to the environment at the place where said imaging was performed; and wherein said image falsification prevention treatment is embedding an electronic watermark in said digital image, and said embedded electronic watermark includes **at least one of** air temperature, humidity, illumination, intensity of ultraviolet radiation, altitude, air pressure, wind velocity, degree of cleanliness and sound. However, Obradovich discloses that the camera is a digital camera and the image formed by the digital camera is stored on memory contained within the PCD device, along with a GPS stamp wherein the GPS stamp is placed within the picture image in a manner similar to the placing of a time or date stamp on a digital image picture (col. 23, lines 20-26). Obradovich further discloses that the GPS stamp is placed into the image by overriding areas of memory with the GPS provided data; and the GPS stamp provides latitude and longitude information (col. 23, lines 32). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify the invention of Shinoda et al. to include the feature of Obradovich in order to provide a convenient way of accurately placing the location of images (Obradovich; col. 23, lines 33-34).

In regards to claim 12, Shinoda et al. does not expressly disclose the method wherein defects in said welded parts are detected by subjecting said digital image to image processing. However, Hartley discloses that ultrasonic examination may be used to detect subsurface weld anomalies such as subsurface cracks, local thinning, or other anomalies; and dye penetrant inspections, magnetic particle testing, and eddy current inspection may also be used to detect subsurface weld anomalies (col. 3, lines 11-16). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Shinoda et al. to include the feature of Hartley in order to provide the user the ability inspected welds based on images taken of the welded parts or components.

In response to Applicant's argument that *"regardless of the Office Action's failure to raise any rejections with respect to independent claim 8, Applicants have further revised the language of this claim to better clarify the claimed invention and incorporate additional features that are not shown or suggested by the art of record"*, the Examiner respectfully disagrees. The Examiner inadvertently left out claim 8 from the grouping with claim 1 which is clear because dependent claims 10 and 11 were grouped with claims 2-3. Also The Examiner asserts that in regards to claim 8, Shinoda et al. discloses imaging an object by using a digital camera means so that a digital image of said object is acquired ([0013]; *the visual data may be an image, a picture, or moving*

picture. File formats such as JPEG, TIFF, BMP, GIF, PS and MPEG are included, which the Examiner interprets as images taken with a digital camera);

subjecting said acquired digital image to an image falsification prevention treatment ([0006]-[0008] *One conventional technique to protect the contents of a Web page is to apply a digital watermark to a visual image located on a Web page);*

transmitting a digital image which has been subjected to said image falsification prevention treatment and information corresponding to digital image acquisition conditions of said acquired digital image via communications means ([0006]-[0008];[0097]-[0098], *The falsification-detecting-information producing/processing unit 1110 receives the demanded contents data units 907 from the exit gate device 810 and produces falsification-detecting information corresponding to the current contents of the contents data units 907);*

receiving the digital image which has been subjected to said image falsification prevention treatment and information corresponding to said digital image acquisition condition of said digital image ([0062],[0097]-[0098] FIGS.1; *The falsification-detecting-information producing/processing unit 1110 receives the demanded contents data units 907 from the exit gate device 810 and produces falsification-detecting information corresponding to the current contents of the contents data units 907);*

checking the received falsification treatment digital image to detect a presence of falsification ([0062]; FIG. 9);

storing said received and falsification checked digital image in a memory ([0084]
A program to make the server 800 function as the IM-producing/processing unit 910, the

falsification-detecting-information producing/processing unit 911, the production-information producing/processing unit 912, and the falsification-notice receiving/processing unit 913 is recorded in a recording medium such as the CD-ROM and stored in a magnetic disk or the like); and

outputting detected defects to a display device the received and falsification checked digital image and information of the digital image acquisition condition to a display screen ([0062]; FIG.1).

Shinoda et al. does not expressly disclose wherein the step of outputting further includes a step of displaying an enlarged portion of the digital image beside the digital image on the same display screen when said enlarged portion is designated on said display screen. However, information as to displaying an enlarged portion of the digital image beside the digital image on the same display screen when said enlarged portion is designated on said display screen is non-functional language and given no patentable weight. Non-functional descriptive material cannot render non-obvious an invention that would otherwise have been obvious. *See: In re Gulack 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983) In re Dembiczak 175 F.3d 994, 1000, 50 USPQ2d 1614, 1618 (Fed. Cir. 1999).* The specific example of non-functional descriptive material is provided in MPEP 2106, Section VI: (example 3) a process that differs from the prior art only with respect to non-functional descriptive material that cannot alter how the process steps are to be performed. The method steps, disclosed in would be performed the same regardless of the How they images are displayed on a display device. Thus, this descriptive material will not distinguish the claimed invention from the prior art in

terms of patentability. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that it was old and well known to provide viewing/displaying options or preferences for displaying images on a display device or screen because such options does not functionally relate to the steps in the method claimed does not patentably distinguish the claimed invention.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claim 8 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The examiner is unable to determine from the claim language "subjecting said acquired digital image to an *image falsification prevention treatment*; and transmitting a digital image which has been subjected to said *image falsification prevention treatment* and information corresponding to said digital image acquisition conditions" what an image falsification prevention treatment is because the claim limitation was not described in the specification in such a way as to reasonably convey how to make or use the invention. The Examiner has found one notation in the instant application in

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paragraph [0093] where it mentions that *"the image data that has been subjected to image falsification preventive processing is transmitted along with the defect inspection"*, however, the Examiner is uncertain what that process is. Also, the instant application only mentions a penetrating damage-location test **treatment**, and not an image falsification prevention treatment. Therefore, the Examiner believes the claim limitation was not described in the specification in such a way as to reasonably convey how to make or use the invention

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 2. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shinoda et al. (US PG Pub. 20010027450), in view of Nelson (US patent Number 6,487,479).**

As per claim 8, Shinoda et al. disclose a method for transmitting image information comprising the steps of:

imaging an object by using a digital camera means so that a digital image of said object is acquired ([0013], *Shinoda et al. discloses the visual data may be an image, a picture, or moving picture. File formats such as JPEG, TIFF, BMP, GIF, PS and*

MPEG are included, which the Examiner interprets as images taken with a digital camera).

subjecting said acquired digital image to an image falsification prevention treatment ([0006]-[0008] *One conventional technique to protect the contents of a Web page is to apply a digital watermark to a visual image located on a Web page*);

transmitting a digital image which has been subjected to said image falsification prevention treatment and information corresponding to digital image acquisition conditions of said acquired digital image via communications means ([0006]-[0008];[0097]-[0098], *The falsification-detecting-information producing/processing unit 1110 receives the demanded contents data units 907 from the exit gate device 810 and produces falsification-detecting information corresponding to the current contents of the contents data units 907*);

receiving the digital image which has been subjected to said image falsification prevention treatment and information corresponding to said digital image acquisition condition of said digital image ([0062];[0097]-[0098] FIGS.1 and 9; *The falsification-detecting-information producing/processing unit 1110 receives the demanded contents data units 907 from the exit gate device 810 and produces falsification-detecting information corresponding to the current contents of the contents data units 907*);

checking the received falsification treatment digital image to detect a presence of falsification ([0062]; FIG. 9);

storing said received and falsification checked digital image in a memory ([0043]); and

outputting detected defects to a display device the received and falsification checked digital image and information of the digital image acquisition condition to a display screen ([0062]; FIG.1 and FIG. 9).

Shinoda et al. does not expressly disclose wherein the step of outputting further includes a step of displaying an enlarged portion of the digital image beside the digital image on the same display screen when said enlarged portion is designated on said display screen. However, information as to displaying an enlarged portion of the digital image beside the digital image on the same display screen when said enlarged portion is designated on said display screen is non-functional language and given no patentable weight. Non-functional descriptive material cannot render non-obvious an invention that would otherwise have been obvious. *See: In re Gulack 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983) In re Dembiczak 175 F.3d 994, 1000, 50 USPQ2d 1614, 1618 (Fed. Cir. 1999)*. The specific example of non-functional descriptive material is provided in MPEP 2106, Section VI: (example 3) a process that differs from the prior art only with respect to non-functional descriptive material that cannot alter how the process steps are to be performed. The method steps, disclosed in would be performed the same regardless of the How they images are displayed on a display device. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that it was old and well known to provide viewing/displaying options or preferences for displaying images on a display device or

screen because such options does not functionally relate to the steps in the method claimed does not patentably distinguish the claimed invention.

3. Claims 2-3 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinoda et al. (US PG Pub. 20010027450), in view of Obradovich (US Patent Number 6,525,768).

As per claims 2-3, Shinoda et al. disclose the method for transmitting image information wherein said image falsification prevention treatment is embedding an electronic watermark ([0006]-[0008]).

Shinoda et al. does not expressly disclose said embedded electronic watermark includes at least one of information relating to the place and time at which said object was imaged comprises longitude and latitude information received from a GPS, and standard time information; and wherein said information relating to the place where said object was imaged composes one or more types of information selected from air temperature, humidity, illumination, intensity of ultraviolet radiation, altitude, air pressure, wind velocity, degree of cleanliness and sound.

However, Obradovich discloses that the camera is a digital camera and the image formed by the digital camera is stored on memory contained within the PCD device, along with a GPS stamp wherein the GPS stamp is placed within the picture image in a manner similar to the placing of a time or date stamp on a digital image picture (col. 23, lines 20-26). Obradovich further discloses that the GPS stamp is

placed into the image by overriding areas of memory with the GPS provided data; and the GPS stamp provides latitude and longitude information (col. 23, lines 32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Shinoda et al. to include the feature of Obradovich in order to provide a convenient way of accurately placing the location of images (Obradovich; col. 23, lines 33-34).

As per claims 10-11, Shinoda et al. discloses transmitting image information wherein said image falsification prevention treatment is embedding an electronic watermark in said digital image([0006]-[0008]).

Shinoda et al. does not expressly said embedded electronic watermark includes at least one of the place and time where said object was imaged, the person who performed the imaging, and information relating to the environment at the place where said imaging was performed; and wherein said image falsification prevention treatment is embedding an electronic watermark in said digital image, and said embedded electronic watermark includes at least one of air temperature, humidity, Illumination, intensity of ultraviolet radiation, altitude, air pressure, wind velocity, degree of cleanliness and sound.

However, Obradovich discloses that the camera is a digital camera and the image formed by the digital camera is stored on memory contained within the PCD device, along with a GPS stamp wherein the GPS stamp is placed within the picture image in a manner similar to the placing of a time or date stamp on a digital image

picture (col. 23, lines 20-26). Obradovich further discloses that the GPS stamp is placed into the image by overriding areas of memory with the GPS provided data; and the GPS stamp provides latitude and longitude information (col. 23, lines 32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Shinoda et al. to include the feature of Obradovich in order to provide a convenient way of accurately placing the location of images (Obradovich; col. 23, lines 33-34).

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shinoda et al. (US PG Pub. 20010027450), in view of Obradovich (Patent Number 6,525,768), still in further view of Davis (Patent Number 6,512,856).

As per claim 4, Shinoda et al. does not disclose the method according to claim 2, wherein the name or code number of a person performing the imaging who acquired said digital image is further added to said digital image information.

However, Davis discloses a digital imaging system that can be enabled to automatically stamp additional information onto a digital image during the image creation process can enhance the usability of the digital imaging system wherein the stamping information can be a company name or symbol, or it can be information used to track which imaging system was used to create the reproduction or it can be the name of the person creating the reproduction (col. 2, lines 50-59). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Iseki et al. to include the feature of Davis in order to permit the

person performing the imaging to stamp other pertinent data, including his name to images.

5. Claims 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinoda et al. (US PG Pub. 20010027450), in view of Hartley (US Patent Number 5,388,129).

As per claim 9, Shinoda et al. does not expressly disclose the method for transmitting image information wherein said object is welded and a welded part of said object has been subjected to a penetrant test processing or a magnetic particle test processing and said welded part is imaged in the step of imaging.

However, Hartley discloses that ultrasonic examination may be used to detect subsurface weld anomalies such as subsurface cracks, local thinning, or other anomalies; and dye penetrant inspections, magnetic particle testing, and eddy current inspection may also be used to detect subsurface weld anomalies (col. 3, lines 11-16). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Shinoda et al. to include the feature of Hartley in order to provide for the imaging of inspected welds.

As per claim 12, Shinoda et al. does not expressly disclose the method wherein defects in said welded parts are detected by subjecting said digital image to image processing.

However, Hartley discloses that ultrasonic examination may be used to detect subsurface weld anomalies such as subsurface cracks, local thinning, or other anomalies; and dye penetrant inspections, magnetic particle testing, and eddy current inspection may also be used to detect subsurface weld anomalies (col. 3, lines 11-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Shinoda et al. to include the feature of Hartley in order to provide the user the ability inspected welds based on images taken of the welded parts or components.

Examiner's Note

Examiner cited particular pages, columns, paragraphs and/or line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday -Wednesday and Friday, 10:00 AM -6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. A. N./
Examiner, Art Unit 3628
8/8/2008

/JOHN W HAYES/
Supervisory Patent Examiner, Art Unit 3628